

**Testimony before the House Commerce Committee in support of HB 4163,
June 26, 2007**

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Thank you, Mr. Chairman. Members of the Committee, good morning. I am Kenneth Warner, Dean of the University of Michigan School of Public Health, where I have been on the faculty since 1972. I am addressing you today, however, not as a representative of the University, but rather as a public health professional with relevant expertise. I have devoted much of the past 30 years to research on tobacco and health policy, drawing on my training as a health economist. I have had the honor of serving in official capacities with regard to tobacco control policy for our state, the nation, and even the global community. I am testifying in strong support of HB 4163.

Two weeks ago you heard about the dangers of second-hand smoke from Dr. Ronald Davis. As Dr. Davis observed, for most people, exposure to second-hand smoke constitutes the single greatest environmental hazard they confront. Why is this? The answer relates to the pervasiveness of the exposure and to the chemical stew created when tobacco is ignited. There are more than 4,000 chemical compounds in cigarette smoke. Over four dozen of them are known human carcinogens – causes of cancer. The chemicals include, to name just a few, ammonia; arsenic; benzene; carbon monoxide; formaldehyde; hydrogen cyanide; and polonium 210. As Dr. Davis noted, polonium 210 is the radioactive element used recently to fatally poison the former Russian spy.

Members of the Committee, every time you dine in a restaurant that permits smoking – anywhere within the restaurant, because environmental smoke does not respect the posted boundaries of the "no smoking" section – you inhale polonium 210. You breathe in hydrogen cyanide. Carbon monoxide is drawn into your lungs. If you work in a bar, you are a *de facto* smoker. Whether customer or employee, your risk is real. My guess, however, is that, prior to these hearings, few of you had any idea about the toxic chemicals to which you are exposed when you inhale second-hand smoke. Average Michigan citizens – the restaurant and bar customers and workers – have no clue.

At the previous hearing, you heard the Michigan Restaurant Association call for restaurants and bars to have the freedom to choose whether they go smoke-free. If you continue to accord them that freedom – as you do today – you are stating that it is the official policy of our state that customers in non-smoke-free establishments *must* inhale arsenic while patronizing those establishments. You are ratifying the Michigan Restaurant Association's apparent notion that restaurants and bars should have the "freedom" to expose their employees to

benzene. Note that the principal purpose of HB 4163 is to protect the health of those employees.

Restaurateurs and bar owners tell you that business in the state will be hurt if they are required to go smoke-free. Nothing could be further from the truth. In multiple studies of real-world experiences, restaurant sales have *not* declined following implementation of a smoke-free law. In some studies, sales have actually increased. Two weeks ago, the Michigan Restaurant Association told you that this simply reflects the expected upward expenditure on food and drink over time. That is *not* true. The most important studies have made direct comparisons of restaurant sales in newly smoke-free jurisdictions to sales in restaurants in adjacent jurisdictions that had not gone smoke-free, with both jurisdictions having similar populations. The gains in business in these studies were therefore associated *directly* with implementation of a smoke-free law.

So restaurateurs and bar owners need not worry: A smoke-free law will *not* hurt them financially. Indeed, it may well *improve* their bottom lines, in part by lowering their cleaning and other costs. The hospitality industry – and hence our state – will benefit from a smoke-free law, as well, because, as Dr. Davis mentioned, many professional associations now have policies requiring that their annual conventions be held in smoke-free states. Given the economic trauma our state is currently experiencing, it seems nonsensical *not* to adopt a law that will simultaneously protect the health of our citizenry while it boosts sales in the state's hospitality industry.

In 2004, the country of Ireland went smoke-free. Shortly following implementation of the law, scientific measurement of the toxic chemicals in the air of Ireland's smoke-free pubs showed decreases of 85-95%. Further, in one survey after another, the public indicates its almost universal support for the law, with a majority of *smokers* strongly in support as well. Over a dozen countries have joined Ireland in becoming smoke-free, and more will soon do so, including England and France.

Half of the states in our country have banned smoking in all workplaces, including all restaurants and bars. And half of those have done so in the past year, including our neighbors, Ohio and Illinois. Eventually, Michigan *will* go smoke-free, as will all states. It is not a matter of *if* but only *when*. We will be compelled to do so by the overwhelming scientific evidence on the dangers of environmental smoke, by the increasing demand of Michiganders – smokers and nonsmokers alike – for smoke-free environments, and by the basic responsibility of the state – *your* constitutional obligation as our state lawmakers – to protect the health and welfare of the public. You can require smoke-free indoor air now by supporting HB 4163, as you should. Or you can wait – one year, two years, maybe as many as five. By waiting, you will condemn hundreds and possibly thousands of our fellow citizens to completely avoidable premature deaths, deaths that you have it within your power to prevent.

Conversely, as a witness observed two weeks ago, if HB 4163 becomes the law of our land, *you* – this legislature – will have saved more lives than any legislature in the history of the State of Michigan. I look forward to congratulating you on that monumental contribution to the health of the public.

Thank you.

Biographical Sketch: Kenneth E. Warner

Kenneth E. Warner is Dean, School of Public Health, and Avedis Donabedian Distinguished University Professor of Public Health at the University of Michigan, where he has been on the faculty since 1972. He is also Director of the University's Tobacco Research Network. An economist, Dr. Warner earned his A.B. degree *summa cum laude* from Dartmouth College and M.Phil. and Ph.D. degrees from Yale University.

Presented in over 200 professional publications, Dr. Warner's research has focused on economic and policy aspects of disease prevention and health promotion, with a special emphasis on tobacco and health. In 2001-02, Dr. Warner served as the World Bank's representative to negotiations on the global treaty on tobacco control, the Framework Convention on Tobacco Control. He also served as the Senior Scientific Editor of the 25th anniversary Surgeon General's report on smoking and health, published in 1989. In 1979-80 he was Project Director for Michigan Governor William Milliken's Citizens' Panel on Smoking and Health. He is on the editorial boards of four professional journals and chairs the board of the international journal *Tobacco Control*. During 2004-05 he was President of the Society for Research on Nicotine and Tobacco. He consults with numerous governmental bodies, voluntary organizations, and businesses, and was a founding member of the Board of Directors of the American Legacy Foundation. Dr. Warner has testified before committees of the U.S. Senate and the House of Representatives and the Michigan Senate and House.

Dr. Warner has been cited twice by Delta Omega, the national public health honorary society, for "Outstanding Achievement in Public Health." He was awarded the Surgeon General's Medallion by Dr. C. Everett Koop in 1989. In 1990, he received the Leadership Award of the Alcohol, Tobacco, and Other Drugs Section of the American Public Health Association. In 1996, he was elected to membership in the Institute of Medicine of the National Academy of Sciences and was named to the first class of Fellows of the Association for Health Services Research. In 1997, he received the Excellence in Research Award from the University of Michigan School of Public Health. In 2002 he received the Richard and Barbara Hansen Leadership Award from the University of Iowa College of Public Health. In 2003, at the World Conference on Tobacco or Health in Helsinki, Finland, he was named one of the two recipients of the inaugural Outstanding Research Contribution award in the international Luther L. Terry Awards for Exemplary Leadership in Tobacco Control.

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Smoke-free or die

LOCAL COMMENT

Smoking ban will save lives

By KENNETH E. WARNER

Every time you enter a Michigan restaurant or bar that allows smoking, you inhale the same radioactive element — polonium 210 — that killed the former Russian spy earlier this year. You also draw into your lungs formaldehyde, which is used to preserve dead bodies, and benzene, arsenic, ammonia, carbon

monoxide and dozens of other chemicals that cause cancer.

There are more than 4,000 chemical compounds in cigarette smoke, and until we pass smoke-free air legislation in Michigan,

every citizen patronizing restaurants and bars that permit smoking will be forced to breathe those chemicals. Whether you smoke or not, citizens unfortunate enough to work in bars and restaurants that allow smoking are themselves de facto smokers, inhaling those chemicals for eight or more hours a day.

Waiting kills

Our state will eventually go smoke-free. It is not a question of if, but when. Every year that our lawmakers fail to act on this issue, hundreds if not thousands of Michigan citizens will die from completely preventable, premature deaths because of secondhand smoke. Conversely, our current Legislature has a historic opportunity, by passing smoke-free legislation, to affect the greatest life savings ever achieved by Michigan lawmakers.

As they debate the wisdom of a smoke-free workplace law, our legislators should consider this: Secondhand smoke is the single

deadliest environmental exposure the average person confronts. Until the law changes, we are accepting arsenic as a part of our meal when dining out, and we are tacitly endorsing the presence of hydrogen cyanide in the air of bars. Michigan law not only permits but effectively requires us to inhale those chemicals.

House Bill 4163, which is scheduled for a second committee hearing on June 26, would outlaw smoking in the workplace, including bars and restaurants. Our lawmakers will not fulfill their constitutional obligation to protect the health and welfare of Michigan citizens until they vote to pass such smoke-free legislation.

There is massive public support for laws protecting innocent people from secondhand smoke. Half the states now ban smoking in workplaces, including restaurants and bars. Over a dozen countries have gone or will go smoke-free within months, including England and France. Ireland went smoke-free in 2004. Surveys of the Irish citizenry consistently find that overwhelm-

ing majorities of both nonsmokers and smokers express enthusiasm for their newly smoke-free pubs and restaurants.

No safe levels

There is no safe level of exposure to secondhand smoke, and studies have shown that even the most sophisticated ventilation system is inadequate. Adults who don't smoke but are exposed to secondhand smoke have a 25%-30% greater chance of developing heart disease, and a 20%-30% greater chance of developing lung cancer. Studies show that children exposed to secondhand smoke have an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, more severe asthma, and ear problems.

Several studies have found that communities that have gone smoke-free have experienced significant decreases in heart attack hospitalizations and deaths. In addition to health benefits, there are economic upsides. Multiple studies show that restaurant sales are not hurt — and

of smoke-free policies, while cleaning costs decline. And right now, Michigan is losing convention business from the numerous professional associations that have adopted policies requiring them to hold their annual meetings in smoke-free states. Does this make sense in a state suffering from severe economic trauma?

When a former Russian spy is poisoned with polonium 210, it's front-page news. Yet when a child in Michigan is forced to inhale that same polonium 210 in a restaurant, no one seems to notice. It's time for Michigan's voters to notice. Tell your state lawmakers that you will no longer tolerate the daily poisoning of our citizens.

KENNETH E. WARNER is the dean of the School of Public Health at the University of Michigan and an internationally known expert on tobacco-related health and policy issues. He has been on the U-M faculty since 1972 and devoted much of the last 30 years to tobacco-related research. Write to him in care of the Free Press Editorial Page, 600 W. Fort St., Detroit 48226 or

MIKE THOMPSON Detroit Free Press

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FROM OUR READERS

Put public's health before smokers' rights

Let's finally do the right thing and get smoking out of public places. I understand smokers have rights, but for those of us who don't smoke, why do we have to be subject to the smell and nasty fog of smoke?

Even after leaving a restaurant with a no-smoking area, you can smell it on your clothes and in your hair. Working in a medical field, I am forced to deal with smokers every day, and they don't notice they smell.

My family and I have stopped going out to eat as much as we used to unless we are in a no-smoking place.

Martha Barron

Southgate

Ban drug addicts

Smoking is the last permitted drug addiction. Do we really want to keep business doors open to

drug addicts? Why should we let drug addicts flaunt their addiction in public? Why expose our kids to drug addicts? Kick lit cigarettes and cigars out of every retail store, restaurant, workplace, bar and casino. If every business has to comply, none will lose customers to the competition.

Tracey Harbaugh

Oxford

Deadly air

On June 27, 2006, the Surgeon General summed it up best: "The debate is over. The science is clear. Secondhand smoke is a serious health hazard that causes premature death and disease in children and nonsmoking adults."

Although tobacco use is the No. 1 preventable cause of death in Michigan, secondhand smoke is the third leading preventable cause of death in the United

States, killing 38,000 to 65,000 nonsmokers every year.

As an oncology nurse, I have the responsibility to advocate for my patients who have succumbed to the ravages of tobacco-polluted air. Everyone has the right to breathe clean, smoke-free air — free from the proven dangers of secondhand smoke.

Susan Wozniak

Walled Lake

Health protection

People who oppose a smoking ban — having scientific evidence, worldwide momentum and local public opinion squarely against them — now fall back on the deliberately misleading argument that "business owners should do things the way they want."

Here in the real world, of course, the government regularly intrudes into business practices in

the name of public health.

Have these people ever heard of the health department or read the hundreds of pages of state and federal regulations governing food service safety?

Banning smoking in bars and restaurants is a long overdue extension of protections to consumer health.

Jennifer Boivin

Royal Oak

Who pays?

First, there's virtually no budget cost to implement the ban. Second, who will pay for the adverse health effects of secondhand smoke involuntarily inhaled by nonsmokers, including increased cancer, respiratory infections, lung damage, asthma and heart disease?

Susan Loren Davidson

Harrison Township